

**NOTICE
OF
RE-CHARTERING**

**NOTICE OF RE-CHARTERING
OF THE
PRACTICING PHYSICIANS ADVISORY COUNCIL**

This advisory council was established by statute and has functions that are of a continuing nature so that its duration is not governed by Section 14(a) of the Federal Advisory Committee but is otherwise provided for by law. The council is re-chartered in accordance with Section 14(b)(2) of said Act.

June 7, 2005

Date

Michael O. Leavitt

Secretary

**PROPOSED CHARTER
PRACTICING PHYSICIANS
ADVISORY COUNCIL**

CHARTER

PRACTICING PHYSICIANS ADVISORY COUNCIL

PURPOSE

The Secretary of Health and Human Services is mandated by Title XVIII of the Social Security Act, as amended by Section 1868(a) of the Omnibus Budget Reconciliation Act of 1990, to establish a Practicing Physicians Advisory Council to advise the Secretary on certain proposed changes in regulations and carrier manual instructions related to physician services identified by the Secretary.

AUTHORITY

42 U.S.C. 1395ee; Section 1868(a) of the Social Security Act.

The Council is governed by the provision of Public Law 92-463 (5 U.S. Code Appendix 2), which sets forth standards for the formation and use of advisory committees.

FUNCTION

The Practicing Physician Advisory Council shall advise the Secretary and the Administrator of the Centers for Medicare and Medicaid Services on certain proposed changes in Medicare regulations and carrier manual instructions related to physician services identified by the Secretary. To the extent feasible and consistent with statutory deadlines, such consultation shall occur before the publication of proposed changes.

STRUCTURE

The Secretary shall appoint, based upon nominations submitted by medical organizations representing physicians, 15 physicians, including the Chair, each of whom has submitted at least 250 claims for physicians services under Title XVIII or XIX of the Social Security Act in the previous year.

At least 11 of the members of the Council shall be physicians described in Section 1861(r)(1) of the Social Security Act. Members of the Council shall include both participating and nonparticipating physicians, and physicians practicing in rural and underserved urban areas. The remaining members may include dentists, podiatrists, optometrists and chiropractors.

Members shall be invited to serve for overlapping four-year terms; terms of more than two years are contingent upon the re-charter of the Council by appropriate action prior to its termination. A vacancy on the Council shall be filled in the same manner in which the original appointment was made. Members may serve after the expiration of their term until a successor has taken office.

Subcommittees consisting of two or more of the members may be established to perform functions within the Council's jurisdiction. One of the members will be designated as Chair of the subcommittee. The Department Committee Management Officer (DCMO) will be notified upon establishment of each subcommittee and shall be provided information on its name, membership, function, and estimated frequency of meetings.

Management and support services shall be provided by the Center for Health Plans and Providers, Centers for Medicare and Medicaid Services.

MEETINGS

The Council shall meet once during each calendar quarter, with the advance approval of a senior Government official, who shall also approve the agenda. A senior Government official shall be present at all meetings.

Meetings shall be open to the public except as determined otherwise by the Secretary; notice of all meetings shall be given to the public.

Meetings shall be conducted, and records of the proceedings kept, as required, by applicable laws and Department regulations.

COMPENSATION

Members of the Council shall be entitled to receive reimbursement of expenses and per diem in lieu of subsistence in the same manner as other members of advisory councils appointed by the Secretary are provided such reimbursement and per diem under Title XVIII.

ANNUAL COST ESTIMATE

Estimated annual cost for operation of the Council, including travel and per diem for members but excluding staff support, is \$95, 000. The estimated annual person-years of staff support required is 2.0 at an estimated annual cost of \$182,288.

REPORTS

An annual report shall be submitted to the Secretary and the Administrator of CMS not later than December 31, of each year, which shall contain as a minimum, a list of members and their business addresses, the council's functions, dates and places of meetings, and a summary of Council activities and recommendations made during the fiscal year. A copy of the report shall be provided to the Department Committee Management Officer.

TERMINATION DATE

Continuing. The Charter for the Practicing Physicians Advisory Council shall expire on June 12, 2007.

APPROVED:

Jun 7, 2005
Date

Michael O. Leavitt
Secretary